IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7085 OF 2005

Municipal Labour Union ..Petitioner

Vs.

State of Maharashtra and ors. ..Respondents

Mrs.N.P. Karnik for petitioner.
Mrs.M.P. Thakur, AGP for respondent nos.1 and 4.
Mr. R.S. Apte for respondent nos.2 and 3.

CORAM: B.H. MARLAPALLE & NARESH H. PATIL,JJ.

Date : October 11, 2006.

P.C.:

1. Heard Mrs. Karnik the learned counsel for the petitioner-Union. This petition filed under Article 226 of the Constitution prays for quashing and setting aside the Resolution dated 26/8/2005 passed by the respondent no.2-Municipal Corporation for engaging a contractor so as to supply safai-kamgar i.e. workers in cleaning and upkeep of the hospital i.e. Shree Chhatrapati Shivaji Maharaj Hospital and Rajeev Gandhi Medical College run by the Corporation. There is no dispute that the respondent no.5-contractor has already started working.

2. Mrs. Karnik then invited out attention to the proposal alleged to have been forwarded by the Corporation to the State Government for sanction of 105 posts of safai-kamgar and more such posts. She also pointed out that the proposal has been submitted to the State Government for abolition of contract labour and the State Government has not taken any decision for the last more than one year.

3. The Assistant Commissioner of Labour, Thane has filed affidavit-in-reply and has stated that the proposal for abolition of sweepers, cleaners and helpers etc. in the house keeping and cleaning areas of the concerned hospital has been submitted to the Additional Commissioner of Labour, Mumbai on 25/11/2005 under the Contract Labour (Regularisation and Abolition) Act, 1970. It is further pointed out that the Municipal Corporation has been issued a registration certificate under the said Act and, therefore, employment of contract labour as of now is not illegal. So far as the proposal for permanent absorption of safai-kamgar is concerned, Mr.Apte the

learned counsel for the respondent-Corporation, on taking instructions, states that a proposal has been submitted by the said hospital for creation of 105 posts of safai-kamgar to the Commissioner of the respondent-Corporation and the same is likely to be placed before the General Body for its approval very soon and thereafter it will be submitted to the State Government for sanction of the posts.

4. We direct the Additional Commissioner of Labour, Mumbai to process the proposal dated 25/11/2005 submitted to him by the Deputy Commissioner of Labour, Thane for abolition of contract labour so as to take decision as per law and the final decision on the said proposal be taken preferably before 31st December, 2006. The Commissioner of Thane Municipal Corporation is directed to place the proposal for creation of 105 posts of safai-kamgar before the General Body of the said Corporation before 30th November, 2006 and the Corporation shall submit the said proposal to the Government of Maharashtra before 31st December, 2006. The State Government through the Ministry of Urban Development will take appropriate

decision on merits to sanction these posts or otherwise as expeditiously as possible and in any case before 31st March, 2007.

5. The petition is disposed off in terms of the above directions and the ad-interim order passed by this court on 28th October, 2005 shall be operative till 31st December, 2006.

(Naresh H. Patil, J.) **(B.H. Marlapalle,J.)**